

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LARRY GENE HEGGEM,)	CASE NO. C07-1143-RAJ-MAT
)	
Plaintiff,)	
)	
v.)	ORDER DENYING PLAINTIFF'S
)	SECOND MOTION FOR
HELENE C. BLUME, et al.,)	APPOINTMENT OF COUNSEL
)	
Defendants.)	
_____)	

The matter before the Court is Plaintiff's second motion for appointment of counsel in this action pursuant to 42 U.S.C. § 1983. Having reviewed the motion, and the balance of the record, the Court does hereby find and ORDER:

(1) Plaintiff's second motion for appointment of counsel (Dkt. #33) is DENIED. On September 11, 2007, in an Order denying his previous motion for appointment of counsel (Dkt. #16), Plaintiff was advised there is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. §1915 (e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Aldabe v. Aldabe*,

616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

Although Plaintiff alleges in his current motion that he is housed in the Monroe Correctional Center's segregation facility where he has no access to a law library and he has limited knowledge of the law, he still fails to demonstrate a likelihood of success on the merits or that he is unable to articulate his claims pro se in light of the complexity of issues involved. Thus, Plaintiff has not demonstrated that this case involves exceptional circumstances that warrant appointment of counsel at the present time.

(2) The Clerk shall send copies of this Order to Plaintiff, to counsel for Defendants, and to the Honorable Richard A. Jones.

DATED this 21st day of March, 2008.


Mary Alice Theiler
United States Magistrate Judge